

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

HECTOR PAYAN-CRUZ, *et al.*,

Defendants.

CASE NO. CR18-0278-JCC

ORDER

This matter comes before the Court on the parties' stipulated motion for entry of a discovery protective order (Dkt. No. 40). Having thoroughly considered the motion and the relevant record, the Court FINDS good cause to enter the following protective order.

DISCOVERY PROTECTIVE ORDER

A. Definitions

As used in this order, the term "Protected Information" means any date of birth, Social Security number, passport number, driver's license number, bank account number, credit card number, personal identification number, telephone number, name and/or location of employment, criminal history record, background check, victim identity, and/or any other similar information or number implicating a privacy interest of and belonging to an individual, business, partnership, or corporation. The term "Protected Information" also includes private conversations

1 involving and images of third-party individuals that are neither co-conspirators nor potential
2 witnesses.

3 As used in this order, the term “Protected Material” means any document or other record
4 containing or reflecting Protected Information.

5 **B. Permissible Disclosure of Protected Information and Protected Material**

6 The United States will make available copies of the Protected Material to defense counsel
7 to comply with the Government’s discovery obligations. Possession of the Protected Material is
8 limited to defense counsel, his/her investigators, paralegals, assistants, law clerks, and experts
9 (“members of the defense team”).

10 Members of each defense team may not provide copies of the Protected Material to other
11 persons, including to their respective Defendant. Members of the defense teams may review
12 Protected Information and/or Protected Material with their respective Defendant. Defendants
13 may visually inspect and review such documents but shall not be allowed to possess Protected
14 Information (such as unredacted copies of Protected Material, notes, copies, or photographs of
15 such Protected Material containing Protected Information).

16 Notwithstanding the terms of this order, and consistent with the regulations established
17 by the Bureau of Prisons, defense counsel may provide electronic copies of any Protected
18 Material to the Federal Detention Center at SeaTac, Washington, for Defendants’ review in a
19 controlled environment so long as Defendants are not permitted to retain, print out, copy, or
20 otherwise disseminate that material.

21 Defendants may possess documents from which all Protected Information has been
22 redacted. Defendants also may be provided copies of materials that contain their own Protected
23 Information without limitation or redaction.

24 Members of the defense team may review or discuss the contents of documents
25 containing Protected Material with any prospective witness, as long as they do not share the
26 unredacted documents or share any Protected Information with any prospective witness.

1 **C. Filing**

2 If any Protected Information or Protected Material is filed in court or otherwise
3 disseminated as part of litigation, the parties shall file such information under seal. This does not
4 entitle either party to seal their filings as a matter of course. The parties are required to comply in
5 all respects to the relevant local and federal rules of criminal procedure pertaining to the sealing
6 of court documents.

7 **D. Maintenance**

8 Members of the defense team shall keep any Protected Material secure whenever the
9 Protected Material is not being used in furtherance of their work in the above-captioned case.

10 All documents containing Protected Material shall be returned to the United States, or
11 destroyed, once all charges are resolved by dismissal or by final conviction. The provisions of
12 this order shall not terminate at the conclusion of this prosecution.

13 **E. Modification**

14 The parties agree that this protective order may be modified, as necessary, by filing with
15 the Court a stipulated order modifying the protective order, or by other order of the Court.

16 DATED this 15th day of January 2019.

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20 John C. Coughenour
21 UNITED STATES DISTRICT JUDGE
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